

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE

**STATE OF TENNESSEE v. LACONTREAS CALWAY**

**Appeal from the Circuit Court for Blount County**  
**No. C-16022                      Michael H. Meares, Judge**

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**No. E2008-01561-CCA-R3-CD - Filed October 20, 2009**

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The Defendant, Lacontreas Calway, appeals the trial court's order revoking her probation for her Class C felony conviction of theft of property over \$10,000 and ordering her to serve her sentence in confinement. The State has filed a motion requesting that this court affirm the trial court's order pursuant to Tennessee Court of Criminal Appeals Rule 20. The State's motion is granted, and the judgment of the trial court is affirmed.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed**  
**Pursuant to Rule 20, Tenn. Ct. Crim. App. R.**

JOSEPH M. TIPTON, P.J., delivered the opinion of the court, in which JAMES CURWOOD WITT, JR., and NORMA MCGEE OGLE, JJ., joined.

Joseph Liddell Kirk, Knoxville, Tennessee (on appeal), and Raymond Mack Garner, District Public Defender (at trial), for the appellant, Lacontreas Calway.

Robert E. Cooper, Jr., Attorney General and Reporter; and John H. Bledsoe, Senior Counsel, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

The Defendant originally received judicial diversion, although she violated its terms. After conducting a hearing on the violation, the court entered a judgment against the Defendant and imposed a two-year sentence. She again violated the terms of probation, and revocation proceedings were conducted, resulting in a forty-five-day period of confinement and placement on intensive probation.

The present appeal arises from the Defendant's third violation. Following her failure to report to her probation officer on multiple dates, failure of drug screenings coupled with her failure to provide the required documentation for her use of narcotic medications, and her failure to pay probation fees, a violation warrant was issued and a hearing was conducted.

The Defendant admitted all of the violations alleged against her. She said, however, that she was taking over 100 pills per month and had a difficult time completing tasks and thinking clearly, that her medications were prescribed by medical doctors for various ailments, that she had attempted to have one of her doctors write the letter required by the probation department relative to her medications, and that she was unable to work due to her medical condition. She expressed her interest in drug rehabilitation and said she had been accepted to a drug rehabilitation program and had health insurance to pay for it. She said she also needed surgery but needed to go to drug rehabilitation first. She said she had accounting skills and had completed two years of college and would be able to work once she addressed her medical and drug issues.

The trial court found that the Defendant had violated the terms of her probation and that her probation sentence should be revoked. The court ordered her to serve her sentence in confinement but stated that he would consider furloughing her if she could present proof of acceptance into a drug rehabilitation program.

A trial court may revoke probation upon its finding by a preponderance of the evidence that a violation of the conditions of probation has occurred. T.C.A. § 40-35-311(e). If a trial court revokes a defendant's probation, its options include ordering confinement, ordering the sentence into execution as originally entered, returning the defendant to probation on modified conditions as appropriate, or extending the defendant's period of probation by up to two years. T.C.A. §§ 40-35-308(a), (c); -310; see State v. Hunter, 1 S.W.3d 643, 648 (Tenn. 1999). The judgment of the trial court in a revocation proceeding will not be disturbed on appeal unless it appears that there has been an abuse of discretion. State v. Williamson, 619 S.W.2d 145, 146 (Tenn. Crim. App. 1981).

The record in the present case reveals that the trial court did not abuse its discretion in revoking the Defendant's probation. The violations were undisputed, and the Defendant had been given previous opportunities to comply with the terms of probation but failed to do so.

The State's motion for affirmance pursuant to Rule 20 is granted. The judgment of the trial court is affirmed in accordance with Rule 20 of the Rules of the Tennessee Court of Criminal Appeals.

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JOSEPH M. TIPTON, PRESIDING JUDGE